

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIOGEN INTERNATIONAL GMBH)
and BIOGEN MA INC.,)
Plaintiffs,) **REDACTED PUBLIC VERSION**
v.)
SAWAI USA, INC.) C.A. No. 17-823-LPS
and SAWAI PHARMACEUTICAL CO.,) (CONSOLIDATED)
LTD.,) **C.A. No. 17-875-LPS**
Defendants.)

STIPULATION AND ORDER OF PARTIAL DISMISSAL

(Biogen et al. v Sawai et al.)

Pursuant to Rule 41(a)(1)(ii) and (c) of the Federal Rules of Civil Procedure, Biogen International GmbH and Biogen MA Inc. (collectively, “Plaintiffs”) and Sawai USA Inc. and Sawai Pharmaceutical Co., Ltd. (together, “Sawai”), [REDACTED]

[REDACTED], stipulate and agree, through their respective counsel and subject to the Court’s approval, as follows:

1. All claims and defenses of Plaintiffs relating to the ’001 Patent in the Sawai Action are dismissed without prejudice; and,
2. All counterclaims and defenses of Sawai relating to the ’001 Patent in the Sawai Action are dismissed without prejudice.

The Plaintiffs and Sawai waive any right to appeal or otherwise move for relief from this Stipulation and Order of Dismissal, and each party shall bear its own attorneys’ fees and costs.

The Plaintiffs and Sawai further stipulate that this Court has jurisdiction over them for the

purposes of enforcing this Stipulation and Order of Dismissal [REDACTED]

[REDACTED].

Accordingly, pursuant to the above Stipulation, and upon the consent and request of Plaintiffs and Sawai, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. All claims and defenses of Plaintiffs relating to the '001 Patent in the Sawai Action are dismissed without prejudice. All counterclaims and defenses of Sawai relating to the '001 Patent in the Sawai Action are dismissed without prejudice.
2. The Plaintiffs and Sawai have waived any right to appeal or otherwise move for relief from this Stipulation and Order of Dismissal.
3. This Court has jurisdiction over the Plaintiffs and Sawai for the purposes of enforcing this Stipulation and Order of Dismissal [REDACTED].
4. Each party shall bear its own attorneys' fees and costs.

ASHBY & GEDDES

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*Attorneys for Sawai USA, Inc
and Sawai Pharmaceutical Co., Ltd.*

SO ORDERED, this _____ day of November, 2019.

Chief Judge